United Nations A/64/548

General Assembly

Distr.: General
3 December 2009

Original: English

Sixty-fourth session
Agenda item 132

Proposed programme budget for the biennium 2010-2011

Report of the Fifth Committee

Rapporteur: Ms. Yuliana Zhivkova **Georgieva** (Bulgaria)

I. Introduction

1. At its 2nd plenary meeting, on 18 September 2009, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-fourth session the item entitled "Proposed programme budget for the biennium 2010-2011" and to allocate it to the Fifth Committee.

2. The Fifth Committee considered the question of the capital master plan under agenda item 132 at its 14th and 17th meetings, on 10 November and 3 December 2009. Statements and observations made in the course of the Committee's consideration of the question are reflected in the relevant summary records (A/C.5/64/SR.14 and 17).

3. For its consideration of the question, the Committee had before it the following documents:

(a) Report of the Board of Auditors on the capital master plan for the year ended 31 December 2008;[1]

(b) Seventh annual progress report of the Secretary-General on the implementation of the capital master plan (A/64/346);

(c) Report of the Secretary-General on a proposal for risk mitigation measures to protect data and the information and communications systems of the Secretariat during the construction work of the capital master plan (A/64/346/Add.1);

[1] *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 5, vol. V* (A/64/5 (Vol. V)).

Please recycle

(d) Report of the Secretary-General on proposals for financing the associated costs required for the year 2010 from within the approved budget for the capital master plan (A/64/346/Add.2);

(e) Report of the Secretary-General on the implementation of the recommendations of the Board of Auditors contained in its report on the capital master plan for the year ended 31 December 2008 (A/64/368 and Corr.1);

(f) Related report of the Advisory Committee on Administrative and Budgetary Questions (A/64/7/Add.5);

(g) Report of the Office of Internal Oversight Services on its activities for the period from 1 July 2008 to 30 June 2009 (A/64/326 (Part I) and Corr.1, paras. 83-88).

II. Consideration of draft resolution A/C.5/64/L.7

4. At its 17th meeting, on 3 December, the Committee had before it a draft resolution entitled "Capital master plan" (A/C.5/64/L.7), which was submitted by the Chairperson on the basis of informal consultations coordinated by the representative of Ireland.

5. At the same meeting, the Committee adopted draft resolution A/C.5/64/L.7 without a vote (see para. 6).

III. Recommendation of the Fifth Committee

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

Capital master plan

The General Assembly,

Recalling its resolutions 54/249 of 23 December 1999, 55/238 of 23 December 2000, 56/234 and 56/236 of 24 December 2001 and 56/286 of 27 June 2002, section II of its resolution 57/292 of 20 December 2002, its resolution 59/295 of 22 June 2005, section II of its resolution 60/248 of 23 December 2005, its resolutions 60/256 of 8 May 2006, 60/282 of 30 June 2006, 61/251 of 22 December 2006 and 62/87 of 10 December 2007, section II.B of its resolution 63/248 of 24 December 2008 and its resolution 63/270 of 7 April 2009, and its decision 58/566 of 8 April 2004,

Recognizing the importance of ensuring that persons with disabilities have access to the physical environment on an equal basis with others,

Having considered the seventh annual progress report of the Secretary-General on the implementation of the capital master plan,[1] the report of the Secretary-General on the proposal for risk mitigation measures to protect data and the information and communications systems of the Secretariat during the construction work of the capital master plan,[2] the report of the Secretary-General on proposals for financing the associated costs required for the year 2010 from within the approved budget for the capital master plan,[3] the report of the Board of Auditors on the capital master plan for the year ended 31 December 2008,[4] the report of the Secretary-General on the implementation of the recommendations of the Board of Auditors contained in its report on the capital master plan for the year ended 31 December 2008,[5] section IV.A of the annual report of the Office of Internal Oversight Services for the period from 1 July 2008 to 30 June 2009[6] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[7]

1. *Reiterates its serious concern* at the hazards, risks and deficiencies of the United Nations Headquarters building in its current condition, which endanger the safety, health and well-being of staff, delegations, visitors and tourists;

2. *Reaffirms* that the General Assembly has the sole prerogative of deciding on any changes to the capital master plan project, budget and implementation strategy, as approved in its resolutions;

3. *Stresses* the special role of the host country Government with regard to support for United Nations Headquarters, in New York;

---

[1] A/64/346.

[2] A/64/346/Add.1.

[3] A/64/346/Add.2.

[4] *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 5* (A/64/5 (Vol. V)).

[5] A/64/368 and Corr.1.

[6] See A/64/326 (Part I).

[7] A/64/7/Add.5.

4. *Notes* the benefits, including economic ones, accruing to host countries from the presence of the United Nations, and the costs incurred;

5. *Recalls* the current practices of host Governments with regard to support for United Nations headquarters and United Nations bodies located in their territories, and takes note of paragraph 46 of the seventh annual progress report of the Secretary-General;[1]

6. *Takes note* of the seventh annual progress report of the Secretary-General on the implementation of the capital master plan,[1] the report of the Secretary-General on the proposal for risk mitigation measures to protect data and the information and communications systems of the Secretariat during the construction work of the capital master plan,[2] the report of the Secretary-General on proposals for financing the associated costs required for the year 2010 from within the approved budget for the capital master plan,[3] the report of the Board of Auditors on the capital master plan for the year ended 31 December 2008,[4] the report of the Secretary-General on the implementation of the recommendations of the Board of Auditors on the capital master plan[5] and section IV.A of the annual report of the Office of Internal Oversight Services for the period from 1 July 2008 to 30 June 2009;[6]

7. *Endorses* the conclusions and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions,[7] subject to the provisions of the present resolution;

8. *Accepts* the report of the Board of Auditors on the capital master plan for the year ended 31 December 2008;[4]

9. *Approves* the recommendations of the Board of Auditors contained in its report;[4]

10. *Notes with concern* the findings of the Board of Auditors as contained in its report and emphasizes the importance of the full implementation of its recommendations, and requests the Secretary-General to provide, in his eighth annual progress report on the implementation of the capital master plan, the steps taken and the progress achieved for the full implementation of those recommendations;

I
Seventh annual progress report

Financial management

1. *Requests* the Secretary-General to ensure by all means that project costs are brought back within the approved budget;

2. *Reiterates its request* that the Secretary-General make every effort to avoid budget increases through sound project management practices and to ensure that the capital master plan is completed within the budget as approved in its resolution 61/251;

3. *Expresses its concern* about the merging of the provision for contingencies and that for forward pricing escalation, contrary to the outline of the

budget as presented in the fifth annual progress report,[8] and approved in its resolution 61/251;

4. *Requests* the Secretary-General to distinguish between the provision for contingencies and that for forward pricing escalation as was done in the previous presentation of the cost estimate for the project;

Value engineering

5. *Encourages* the Secretary-General to pursue the value engineering exercise so as to maximize savings and the cost-effective use of resources to complete the project within or below its approved budget, while ensuring, inter alia, that the quality, functionality and scope of the project are not compromised, that materials are used as originally intended and that the integrity of the architectural design of the complex is preserved;

6. *Requests* the Secretary-General to include in his eighth annual progress report detailed information on the following:

(a) Further clarification of the definition of value engineering;

(b) Detailed description of the value engineering activities, as well as the related costs and fees;

(c) The advantages that could potentially be realized as a result of the prevailing market conditions;

(d) A cost-benefit analysis of any additional sustainability options;

(e) Breakdown of the estimated cost savings to be realized through each value engineering initiative;

7. *Encourages* the Secretary-General to continue finding efficiency gains and cost reductions throughout the implementation of the capital master plan;

8. *Emphasizes* that the value engineering exercise shall not undermine the quality, durability and sustainability of the materials used, the original design of Headquarters or the commitment of the project to the highest standards of safety, health and well-being of staff and delegations, in particular with regard to the handling of asbestos;

Schedule

9. *Expresses its concern* that the completion of the capital master plan has slipped from mid-2013 to late in 2013, as a consequence of the delay in the construction of the temporary North Lawn building, and takes note, in this regard, of the accelerated schedule developed by the Secretary-General, which allows for the completion of the capital master plan on time;

10. *Notes with concern* the delay in relocating Secretariat staff to office swing space, and requests the Secretary-General to ensure that the relocation of the staff is undertaken in accordance with the relevant schedules to avoid any further delay;

[8] A/62/364 and Corr.1.

11. *Requests* the Secretary-General to provide more comprehensive and specific information in future progress reports with respect to project delays and accountability for them, including the range of their cost implications and other potential consequences for the execution of the project, as well as actions to be taken to effectively manage and mitigate the delays or cost risk;

12. *Expresses its regret* that security concerns and space requirements were not duly considered at an earlier stage of the capital master plan and that the decision to maintain the Security Council within the main complex of buildings had not been part of the initial planning, thus resulting in delays, significant changes in project design and additional costs;

Procurement

13. *Reaffirms* paragraphs 12 to 21 of section I of its resolution 63/270, and requests the Secretary-General to continue to report on their implementation in the annual progress reports on the capital master plan;

14. *Requests* the Secretary-General to fully address in a satisfactory manner the concerns raised by the Board of Auditors and the Headquarters Committee on Contracts regarding procurement and contract management, and further requests the Secretary-General to consider ways and means to increase significantly the level of internal control over amendments to contracts relating to the capital master plan;

15. *Requests* the Secretary-General to report in the eighth annual progress report on the implementation of the capital master plan on the steps taken to ensure that all previous and future amendments to contracts relating to the procurement for the capital master plan are in line with the United Nations Procurement Manual, and on the efforts undertaken to involve the Headquarters Committee on Contracts in the adjudication process prior to signing or amending contracts relating to the project that are within the scope of the authority of that Committee in a manner which will not impede the expeditious progress of the project;

16. *Reiterates* that contracts relating to the procurement for the capital master plan should continue to stipulate that the United Nations will not be responsible for delays, damage or loss on the part of the contractor;

17. *Expresses concern* at the risk to internal controls posed by the absence of a review of contractual amendments;

18. *Notes* that some measures taken to avoid delays in the capital master plan procurement process, in particular the ex post facto review of contracts, risk having a negative impact in terms of internal controls;

19. *Requests* the Secretary-General to ensure that the procurement processes are in full compliance with the Financial Regulations and Rules of the United Nations;[9]

20. *Decides* to keep the issue of oversight of contractual amendments under review;

21. *Notes with concern* that the seventh annual progress report of the Secretary-General did not contain adequate information on concrete steps taken to

[9] ST/SGB/2003/7.

promote procurement opportunities for contractors and vendors from developing countries and countries with economies in transition for the capital master plan, reiterates its request to the Secretary-General to continue exploring ways to increase procurement opportunities for vendors from developing countries and countries with economies in transition, and reaffirms in this context the relevant provisions of its resolutions 54/14 of 29 October 1999, 55/247 of 12 April 2001, 57/279 of 20 December 2002, 59/288 of 13 April 2005, 60/1 of 16 September 2005, 61/246 of 22 December 2006 and 62/269 of 20 June 2008;

22. *Requests* the Advisory Committee on Administrative and Budgetary Questions, in accordance with regulations 7.6 and 7.7 of the Financial Regulations and Rules of the United Nations,[9] to request the Board of Auditors to include in its next report on the capital master plan information on the factors that restrict the diversification of the origin of vendors and progress achieved in increasing the procurement opportunities for vendors from developing countries and countries with economies in transition for the capital master plan;

23. *Reiterates its request* to the Secretary-General to ensure that the construction manager, in consultation with the Procurement Division of the Department of Management of the Secretariat, prepares and implements an action plan to promote procurement opportunities for contractors and vendors from developing countries and countries with economies in transition, and to include detailed information on the action plan and its implementation in his forthcoming annual progress reports;

Health and safety

24. *Reaffirms* its commitment to the safety, security, health and well-being of staff, delegations, visitors and tourists at the United Nations, and requests the Secretary-General to ensure that concrete safeguards for the achievement of those objectives are in place and are part of the standard operating procedures throughout the implementation of the capital master plan;

25. *Requests* the Secretary-General to continue to ensure, in particular, strict compliance with the highest applicable standards for the handling of asbestos, and to continue to report to the General Assembly on measures taken in this regard in the context of the forthcoming annual reports and the regular briefings on the implementation of the capital master plan;

26. *Reaffirms* its resolution 63/8 of 3 November 2008, and requests, in this regard, the Secretary-General to designate sheltered smoking areas in order to make the renovated United Nations Headquarters premises smoke-free;

Donations

27. *Reaffirms* the relevant provisions of its resolutions, particularly resolution 63/270, relating to donations for the capital master plan, and reiterates that any donation policy should not be restrictive and should be in full conformity with the international and intergovernmental character of the Organization as well as the Financial Regulations and Rules of the United Nations[9] and without prejudice to the scope, specifications and design of the project;

28. *Requests* the Secretary-General to continue to accept in-kind donations of Member States in the implementation of the capital master plan, in full conformity

with the international and intergovernmental character of the Organization as well as the Financial Regulations and Rules of the United Nations[9] and without prejudice to the scope, specifications and design of the project;

29. *Requests* the Secretary-General to ensure that works of art, masterpieces and other gifts are handled appropriately during all the stages of the capital master plan, and also requests the Secretary-General to cooperate with those Member States that wish to take care of their gifts of works of art, masterpieces and other items during the renovation period;

Parking

30. *Recalls* paragraphs 30 to 33 of section I of its resolution 63/270 and expresses concern about the issue of availability of parking spaces to the Member States in the garage of the United Nations complex, and the limitations imposed on Member States in this regard, including those related to night-time parking, reiterates its request that the total number of parking spaces available to the Member States before the implementation of the capital master plan be retained upon its completion and that every effort be made to maintain that number during the implementation of the capital master plan, and looks forward, in this context, to the information reviewing the options in the forthcoming annual progress report;

Accessibility

31. *Requests* the Secretary-General to continue providing specific information, in his next annual report, about the measures taken to eliminate physical, communication or technical barriers to persons with disabilities at United Nations Headquarters in the framework of the capital master plan, particularly regarding improvement in the accessibility of interpretation booths;

32. *Requests* the Secretary-General to ensure that measures to be taken in the context of the capital master plan with a view to applying host city building, fire and safety codes do not violate the provisions of the Convention on the Rights of Persons with Disabilities,[10] especially those relating to accessibility, and also reiterates its requests to the Secretary-General to report on this subject in future annual progress reports;

Oversight

33. *Reaffirms* paragraphs 37 and 38 of section I of its resolution 63/270, stressing the importance of ensuring effective oversight and audit coverage of the implementation of the capital master plan, and reiterates its request to the Secretary-General to develop adequate and effective tools to permanently monitor essential elements of progress made in the context of the implementation of the capital master plan, including a summary scoreboard to describe the development of the project at any given time, and to include detailed information on such tools in forthcoming annual progress reports;

34. *Further requests* the Board of Auditors and all other relevant oversight bodies to continue to report to the General Assembly annually on the capital master plan;

---

[10] Resolution 61/106, annex I.

Advisory board

35. *Takes note* of paragraph 39 of the seventh annual progress report of the Secretary-General on the implementation of the capital master plan, and emphasizes that an independent, impartial advisory board of the capital master plan reflecting a wide geographical representation should be established, in accordance with General Assembly resolutions 57/292, 61/251, 62/87 and 63/270, no later than 31 December 2009;

Eighth annual progress report

36. *Requests* the Secretary-General to continue to report on the status of the project, the schedule, the projected completion cost, the status of contributions, the working capital reserve, the status of the advisory board and the letter of credit in his eighth annual progress report, as well as the information requested in the present resolution;

II

Risk mitigation measures to protect data and the information and communications systems of the Secretariat

1. *Recalls* its resolution 63/269 of 7 April 2009, and notes with concern that the Secretary-General did not move forward with the International Computing Centre to lease services for the transfer of the secondary data centre, and urges the Secretary-General to continue to closely monitor the situation to ensure that the activities related to the migration and running of the secondary data centre are completed in accordance with the time frame of the capital master plan;

2. *Requests* the Secretary-General to continue to take advantage of the current economic climate in order to negotiate the most cost-effective lease and services possible and to report thereon to the General Assembly in the context of the eighth annual progress report on the capital master plan;

3. *Requests* the Secretary-General to absorb 11,644,530 United States dollars for the biennium 2010-2011 within the approved budget of the capital master plan, and decides that the Secretary-General shall include 1,254,190 United States dollars in the proposed requirements for the support account for peacekeeping operations for the period from 1 July 2010 to 30 June 2011 and 941,640 United States dollars in the proposed requirements for the support account for peacekeeping operations for the period from 1 July 2011 to 30 June 2012;

III

Associated costs

1. *Recalls* paragraph 79 of the report of the Advisory Committee on Administrative and Budgetary Questions,[7] and notes with concern that there is a lack of adequate planning and coordination of the associated costs for the various departments and offices involved with the capital master plan;

2. *Recalls* paragraphs 80 and 81 of the report of the Advisory Committee on Administrative and Budgetary Questions,[7] encourages the Secretary-General to make every effort to ensure close coordination of activities across departments involved in the capital master plan to ensure that the project is completed on time

and within the approved budget, and stresses the importance of designating a focal point in this regard;

3. *Notes with concern* that a number of the requirements set out in the report of the Secretary-General on proposals for financing the associated costs required for the year 2010 from within the approved budget for the capital master plan did not relate directly to the capital master plan but rather to ongoing capital improvements, investment costs and long-term commitments;

4. *Requests* the Secretary-General to closely review the requirements for additional safety and security related to the capital master plan and to seek all possible means for maximizing efficiencies, including through intensified use of host country support capacity, so as to reduce the requirements for temporary Security Officer positions;

5. *Also requests* the Secretary-General to provide an assessment of the extent to which more intensive recourse to technological systems could reduce requirements for round-the-clock services of a temporary security contingent to provide security coverage during the construction phase of the capital master plan project, to allow better understanding of the potential for achieving further efficiency gains;

6. *Decides* that the approved associated costs for the capital master plan will be financed from within the approved budget of the capital master plan unless otherwise specified by the General Assembly;

7. *Decides* not to approve the overall level of associated costs at this time, bearing in mind opportunities for further cost reductions posed by the present economic circumstances as well as savings realized by the Secretary-General;

8. *Recalls* paragraph 83 of the report of the Advisory Committee on Administrative and Budgetary Questions,[7] and requests the Secretary-General to make every effort to absorb the associated costs for 2010 from within the overall budget approved for the capital master plan in a total amount of 42,069,695 dollars (net), broken down as follows:

(a) 645,600 dollars for the Department for General Assembly and Conference Management;

(b) 27,032,220 dollars for the Department of Public Information;

(c) 6,009,500 dollars for the Office of Central Support Services;

(d) 2,174,645 dollars for construction, alteration, improvement and major maintenance activities at Headquarters;

(e) 5,595,930 dollars for the Department of Safety and Security;

(f) 611,800 dollars for the Office of Information and Communications Technology;

9. *Requests* the Secretary-General to submit to the General Assembly, for its decision at the main part of its sixty-fifth session, in the context of his eighth annual progress report on the implementation of the capital master plan, proposals for financing the associated costs required for the year 2011 from within the approved budget for the capital master plan.